

### REMARKS

In response to the final office action of July 19, 2004, applicant asks that all claims be allowed in view of the amendment to the claims and the following remarks. This amendment is being filed concurrently with a Request for Continued Examination.

Claims 31-34, 36-43, 45-48 are pending, of which claims 31 and 40 are independent claims. Claims 31 and 40 are amended by this amendment, and claims 35 and 44 are cancelled by this amendment. The amendment finds support at least in the specification at page 5, lines 19-29. No new matter is believed to be added by this amendment.

#### **Rejection of Claims 31 and 40 Under Section 112**

Claims 31 and 40 have been amended in response to the rejection under 35 U.S.C. § 112, second paragraph. Applicant asks that the rejection be withdrawn in light of the amendments.

#### **Rejection of Claims 31, 38-40, 47 and 48 Under Section 103**

Claims 31, 38-40, 47 and 48 have been rejected under 35 U.S.C. § 103 as being unpatentable over Klemba (U.S. Patent No. 5,651,068). With respect to claim 1 and its dependent claims 38 and 39, applicant requests reconsideration and withdrawal of this rejection because Klemba fails to describe or suggest a policy file that controls the cryptographic functions of an application program and reflects a condition of the policy file.

Claim 31 is directed to a method for controlling cryptographic functions of an application program. The method includes accessing a policy file used for controlling cryptographic functions of an application program. The policy file reflects a condition of the policy file. The policy file includes an attribute portion configured to store one or more cryptographic policy attributes, each of which represents a cryptographic function. The policy file also includes a value portion having one or more attribute values. Each attribute value corresponds to a cryptographic policy attribute and indicates whether an application program may use the cryptographic policy represented by the cryptographic policy attribute. The method also includes selectively retrieving at least one of encryption information and decryption information from the policy file, selectively processing the retrieved encryption information and decryption information from the policy file in accordance with a predetermined capability condition, and

providing at least one of allowable encryption levels and decryption levels to the application program.

In contrast, Klemba, through the use of a hardware device (specifically, a national flag card or NFC), controls the cryptographic functions of the cryptographic engine. At the outset, applicant notes that Klemba fails to disclose controlling cryptographic functions of an application program by accessing a policy file. Notably, the Office action recognizes Klemba's failure to disclose this aspect. See Office action of July 19, 2004 at page 4, lines 5-6 (stating "Klemba does not expressly disclose that the [cryptographic] policy is a file"). However, the Office action dismisses the importance of Klemba's failings in this regard, contending that it would have been obvious "to describe the policy in the NFC [or National Flag Card] of Klemba as the claimed policy file." Applicant disagrees, and requests support for the position that it would be obvious to describe Klemba's cryptographic policy in a hardware device as a policy file.

Additionally, applicant notes that Klemba fails to disclose a policy file that controls the cryptographic functions of an application program and reflects a condition of the policy file. The underscored portion of the previous sentence represents a limitation added by this amendment, which was naturally not addressed by the Office action. Nevertheless, the following is provided to make clear Klemba's shortcomings with regard to this limitation. Klemba's cryptographic policy information reflects a country, as noted in the Office Action. See Office action of July 19, 2004 at page 3, lines 9-10 in combination with page 2, lines 21-22; Klemba at col. 6, line 20 in combination with col. 7, lines 19-24. As such, Klemba's cryptographic policy reflects a state (that is, a country) that is associated with the cryptographic policy on a NFC (or National Flag Card) used to control cryptographic functions of the cryptographic engine. Thus, Klemba's cryptographic policy does not reflect a condition of the policy file, as recited in amended claim 31.

Accordingly, Klemba fails to describe or suggest a policy file that controls the cryptographic functions of an application program and reflects a condition of the policy file, as recited in claim 31. For at least these reasons, applicant requests reconsideration and withdrawal of the rejection of claim 31. At least for their dependency on claim 31, applicant requests reconsideration and withdrawal of the rejection of claims 38 and 39.

Independent claim 40 is directed to an apparatus having the elements described above with respect to claim 31. For the reasons described above with respect to claim 31, Klemba does not describe or suggest a policy file that controls the cryptographic functions of an application program and reflects a condition of the policy file, as recited in claim 40.

Therefore, for at least these reasons, applicant requests reconsideration and withdrawal of the rejection of independent claim 40 and claims 47 and 48 that depend, directly or indirectly, from claim 40.

### **Rejection of Claims 32, 33, 41 and 42 Under Section 103**

Claims 32, 33, 41 and 42 have been rejected 35 U.S.C. § 103 as being unpatentable over Klemba in further view of Anderl (WO 87/07063). Applicant respectfully traverses the rejection because Anderl does not cure the failure of Klemba to describe or suggest a policy file that controls the cryptographic functions of an application program and reflects a condition of the policy file, as recited in claims 31 and 40 on which claims 32, 33, 41 and 42 depend, respectively.

Anderl discloses a smart card capable of storing multiple files. See Anderl at page 1, lines 5-8 and page 2, lines 19-29. Anderl does not disclose or suggest a policy file that controls the cryptographic functions of an application program and reflects a condition of the policy file. Thus, Anderl cannot cure Klemba's failure to describe or suggest the subject matter of amended independent claims 31 or 40, as described above.

At least for the reasons discussed above and their dependency on claims 31 and 40, respectively, applicant requests reconsideration and withdrawal of the rejection of claims 32, 33, 41 and 42.

### **Rejection of Claims 36, 37, and 45-48 Under Section 103**

Claims 36, 37, and 45-48 have been rejected 35 U.S.C. § 103 as being unpatentable over Klemba in further view of Schneider in Applied Cryptography. Applicant respectfully traverses the rejection because Schneier does not cure the failure of Klemba to describe or suggest a policy file that controls the cryptographic functions of an application program and reflects a condition of the policy file, as recited in claims 31 and 40 on which claims 36, 37 and 45-48 depend, respectively.

Schneier discloses digital signatures and the use of digital signatures. See Bruce Schneier, Applied Cryptography, John Wiley & Sons, Inc., 1996. As such, Schneier cannot overcome Klemba's failure to describe or suggest a policy file that controls the cryptographic functions of an application program and reflects a condition of the policy file. Thus, Schneier cannot cure Klemba's failure to describe or suggest the subject matter of amended independent claims 31 or 40, as described above.

At least for the reasons discussed above and their dependency on claims 31 or 40, respectively, applicant requests reconsideration and withdrawal of the rejection of claims 36, 37, and 45-48.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Enclosed is a \$790.00 for the Request for Continued Examination fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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